

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RENE MONTANEZ, CHRYSTAL MCGREW,
and RICARDO MONTANEZ

Plaintiffs,

vs.

OFFICER J. OCAMPO, OFFICER D.
RAMOS, OFFICER AGOSTA, OFFICER J.
TORRES, OFFICER GLORIA GOMEZ;
OFFICER V. O'DONNELL; OFFICER N.
RAMIREZ; UNKNOWN DEFENDANT
OFFICERS; and the CITY OF CHICAGO,

Defendant(s).

No. 08-cv-1533

JUDGE Gettleman

MAGISTRATE JUDGE Mason

JOINT STATUS REPORT

NOW COME the Plaintiffs, by and through one of their attorneys, Sean Baker of Horwitz, Richardson, and Baker, LLC, and the Defendants, by and through one of their attorneys, Tiffany Harris of City of Chicago, and submit this joint status report.

1. This matter is set for a Joint Status Report on August 21, 2008.
2. The attorneys on the case are Sean Baker, Elliot Richardson and Rachelle Sorg for the Plaintiffs and Tiffany Harris, Thomas Aumann and Kathleen Manion for the Defendants.
3. Basis for federal jurisdiction: 42 U.S.C. § 1983; 28 U.S.C. §1331 and §1343(a); the Constitution of the United States; and this Court's supplementary jurisdiction powers.
4. Plaintiffs and Defendants request trial by jury;
5. The nature of Plaintiffs' claims are as follows: Excessive Force, False Arrest, Conspiracy to Deprive of a Constitutional Right, Assault and Battery, Intentional

Infliction of Emotional Distress, Willful and Wanton Conduct, Respondeat Superior, which arise out of allegations that Defendant, Gloria Gomez, is a downstairs neighbor to Plaintiffs and Ms. Gomez is additionally a Chicago Police Officer. Their relationship as neighbors was tumultuous. On March 16, 2007, Defendant Gomez called 911 and falsely reported that Plaintiffs had assaulted Defendant Gomez' mother. The Chicago Police Department lay in waiting when the Plaintiffs returned home from an outing and used excessive force and falsely arrested Plaintiffs. In short, Defendant Gomez used a ruse and her position as a Chicago Police Officer to have Plaintiffs arrested without justification. Defendant Officers deny the allegations in the plaintiffs' complaint

6. Plaintiffs are seeking compensatory damages, punitive damages, attorney fees, and costs of litigation.
7. All Defendants have been served. Defendant Gloria Gomez has not appeared.
8. The principal legal issues are excessive force and false arrest and whether Defendants are protected by tort immunity. Defendants maintain the affirmative defense of qualified immunity and that Plaintiffs resisted arrest.
9. Plaintiffs maintain that Defendants acted without probable cause, used excessive force and falsely arrested Plaintiff's. Defendants maintain that Plaintiffs resisted arrest.
10. Defendants anticipate filing a Motion for Summary Judgment at the close of discovery.
11. Both Parties have engaged in the Rule 26(f) conference and have commenced written discovery. The Parties anticipate written to conclude in 60 days or by October 20, 2008; fact oral discovery to conclude 90 days thereafter or by January 19, 2009; Parties anticipate setting a schedule for expert disclosure thereafter.
12. Parties anticipate that they will be prepared for trial by August 2009.

13. The parties have not yet engaged in settlement discussions.
14. The parties do not consent to a magistrate judge at this time.
15. This matter is set for a status conference on Thursday, August 28, 2009 at 9:00 a.m.

Dated: August 21, 2008

Respectfully submitted,

s/ Sean Baker
Sean Baker
Horwitz, Richardson, and Baker, LLC
20 S. Clark, Suite 500
Chicago, IL 60603
Tel: 312-676-2100
Fax: 312-372-7076
sbaker@hrbattorneys.com

s/ Tiffany Harris
Tiffany Harris
City of Chicago, Department of Law
30 N. LaSalle, Suite 1400
Chicago, IL 60602
Tel: 312-744-5890
Fax: 312- 744-6566
tiffany.harris@cityofchicago.org

Entered:

Judge Robert W. Gettleman
United States District Court